

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

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|------------------------------|---|---------------------------|
| FRANCIS A. GRANDINETTI, II, |) | CIV. NO. 15-00081 SOM/KSC |
| #A0185087, |) | |
| |) | ORDER DENYING TEMPORARY |
| Plaintiff, |) | RESTRANING ORDER |
| |) | |
| vs. |) | |
| |) | |
| ACTING SERGEANT F. MARTINEZ, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

ORDER DENYING TEMPORARY RESTRAINING ORDER

The court dismissed this action without prejudice on March 30, 2015, finding that *pro se* Plaintiff Francis Grandinetti may not proceed without prepayment of the filing fees because he has three strikes under 28 U.S.C. § 1915(g) and alleged no facts showing that he was in imminent danger of serious physical injury at the time he filed this action. See Doc. No. 4.¹

Before the court is Grandinetti's "Separate T.R.O Application, Rule 65 and § 1915(g)" motion. Doc. No. 6. The Motion is a copy of Grandinetti's "Medical Request" of March 4, 2015, stating that he was moved to special housing as a mentally ill inmate and seeking a mental health review by a physician.

¹ Grandinetti alleged that prison officials recorded him shredding his mattress, charged him with possessing a knife and threatening a guard, and placed him on suicide watch. See Compl., Doc. No. 1.

See *id.* It is dated approximately two weeks before Grandinetti filed this action. Grandinetti's Complaint, filed on March 17, 2015, makes clear that he was put on suicide watch and medically reviewed after he submitted this Medical Request. See Compl., Doc. No. 1. Moreover, Grandinetti has made similar claims in several other recent actions and submitted similar Medical Requests as evidence. See, e.g., *Grandinetti v. Hawaii Judiciary*, Civ. No. 15-00089 JMS/RLP (D. Haw. Apr. 8, 2014); *Grandinetti v. Corr. Corp. of America*, Civ. No. 15-00083 JMS/RLP (D. Haw. Apr. 2, 2014); *Grandinetti v. Olsen*, Civ. No. 15-00082 LEK/RLP (D. Haw. Mar. 30, 2014). These actions were all dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

Grandinetti's request for a temporary restraining order is DENIED. First, this action is closed, and Plaintiff has not submitted the \$400 filing fee required to reopen it, or to open a new action. Second, Grandinetti's statements and exhibits in this action and others show that he has received a mental health evaluation and is housed in mental health special housing. Grandinetti's Motion is moot.

Third, Grandinetti cannot succeed on the merits of his Motion, will not suffer irreparable harm in the absence of injunctive relief, and cannot show that the equities tip in his favor or that an injunction is in the public interest. See *Shell*

Offshore, Inc. v. Greenpeace, Inc., 709 F.3d 1281, 1289 (9th Cir. 2013).

Finally, Grandinetti's Medical Request does not convince this court to reconsider its decision that he was not in imminent danger of serious physical injury when he filed this action or this Motion. See *Andrews v. Cervantes*, 493 F.3d 1047, 1053 (9th Cir. 2007).

The Motion is DENIED. Grandinetti is NOTIFIED that the court will take no further action on motions or documents he files in this action, other than a notice of appeal.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, April 17, 2015.



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

Grandinetti v. Martinez, et al., 1:15-cv-00081 SOM/KSC; tro 2015; J:\PSA Draft
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